

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Review of the Emergency Alert)	EB Docket No. 04-296
System)	
)	

COMMENTS OF THE AMERICAN FOUNDATION FOR THE BLIND

The American Foundation for the Blind (AFB) is a leading national resource for people who are blind or visually impaired, the organizations that serve them, and the general public. The mission of AFB is to enable people who are blind or visually impaired to achieve equality of access and opportunity that will ensure freedom of choice in their lives.

AFB is pleased to have the opportunity to respond to the important issues raised in the Federal Communications Commission (FCC) review of the Emergency Alert System (EAS). Our comments are in response to paragraph 36 “Notifying Persons with Hearing and Vision Disabilities” and issues related to accessible, timely, and reliable delivery of information. The foundation of our comments is built on contact with individuals who are blind or visually impaired who have related their experiences with inaccessible emergency information. Additionally, we base comments on issues raised in our deliberations with the Public Communications and Safety Working Group of the Media Security and Reliability Council (MSRC), the designated federal advisory committee reporting recommendations to the FCC Chairman to insure the reliability and robustness of the nation’s broadcast and multichannel video programming distributors. We were very pleased to work with the MSRC in crafting several recommendations, most notably the following:

that a single federal entity should be responsible for assuring: A national uniform, all-hazard risk communication warning process is implemented from a public and private consensus on what best meets the needs of the public, including people of diverse language and/or with disabilities, including sensory disabilities.¹

RECOMMENDATIONS

VIDEO DESCRIPTION OF RELEVANT EMERGENCY INFORMATION

The Commission must act to insure that people who are blind or visually impaired receive timely delivery of warnings and public safety information across a full range of communication

¹ Media Security and Reliability Council Adopted Best Practice Recommendations, Public Communications and Safety Working Group.

platforms designed and mandated to deliver critical details about the emergency and how to respond. When this critical information is delivered in a visual format through on-screen graphics, screen crawls or scrolls which are not accompanied by narrative, the information should be video described.

SINGLE DESIGNATED AUTHORITY FOR THE EAS

We are also greatly concerned that while the FCC, the Federal Emergency Management Agency, and the National Weather Service have shared responsibility for the EAS, no one is in charge of EAS implementation at the federal and state levels. Our preference is for authority to be provided to the FCC which would establish its responsibility for coordination of the operation of the EAS. The FCC should also take immediate steps to enforce at least the current requirements for implementation of EAS by the broadcast and cable communities. In addition we encourage the FCC and other EAS partners to take immediate steps to see to it that each state and major municipality adopts an EAS plan and joins the EAS system.

REPLACE EXCLUSIVE RELIANCE ON ANALOG COMMUNICATIONS PLATFORMS

The technical capabilities of the EAS are sorely in need of updating. The reliance on analog radio and television broadcast stations and cable systems for broadcast of emergency information to the largest possible audience are outdated and potentially very dangerous for all citizens.

IMPLEMENT A RESEARCH AGENDA

Finally, we encourage the Commission and other EAS partners to recommend a research agenda for the development of alternative means of communicating emergency information. This would include enhancing emerging and new technologies for video description and telecommunication systems for the deaf and hard of hearing. Such research should involve relevant industry standard-setting organizations to insure that accessible information pass-through occurs, at a minimum, across analog and digital broadcast entities including multichannel video providers and satellite broadcast. The relevant entities would include public and private partnerships involving organizations of and for people with disabilities.

EXPANDED COMMENTS ON ACCESSIBLE INFORMATION

VIDEO DESCRIPTION OF CRITICAL INFORMATION

Warnings should never leave people in doubt about what to do. Unfortunately, the present EAS system, especially as implemented by local authorities for various emergencies, leaves blind or visually impaired people in precisely that high risk situation. This is a matter of great concern because the EAS regulation with respect to access to information which we cite below seems to require the provision of critical emergency information in described format. We know of only a few instances where this has actually occurred.

This places people who are blind or visually impaired in an extremely dangerous situation. People evaluate the warnings they receive from a number of sources, especially in light of their

own accumulated knowledge about the hazard along with the information they receive about recommended actions before, during, and after the event. When the primary source, the EAS network, does not provide accessible information, people who are blind or visually impaired must resort to other sources which may or may not be providing timely, authoritative information. People who are blind or visually impaired report that the most serious problems have occurred when critical information is graphically portrayed, scrolled, or crawled on screen. The following are examples of information which is often referred to as “on your screen” and not reliably voiced by the announcer. This is not an exhaustive list.

- designation and current status of recommended evacuation routes
- designation of areas under alert for evacuation
- location of designated shelters and pick-up points for evacuees needing transport
- emergency telephone numbers
- hazmat or other environmental emergencies which list symptoms requiring immediate medical attention

We commend the Commission for its effort to provide at least a partial remedy for these situations. The “Reminder to Video Programming Distributors of Obligation to Make Emergency Information Accessible to Persons with Hearing and Vision Disabilities” (Public Notice, DA 03-2361 released July 18, 2003) defines emergency information and refers video programming distributors to the requirement that:

Emergency information that is provided in the video portion of a regularly scheduled newscast or a newscast that interrupts regular programming must be made accessible through the oral description of the emergency information in the main audio, such as open video description. If the emergency information is being provided in the video portion of the programming that is not a regularly scheduled newscast or a newscast that interrupts regular programming (e.g., the programmer provides the emergency information through crawling or scrolling during regular programming, this information must be accompanied by an aural tone....to alert persons with vision disabilities that the video programming distributor is providing emergency information, and to alert such persons to tune to another source such as radio, for more information.
47 C.F.R. Section 79.2 (b) (1).

We can locate few examples of so-called “open video description” being provided in the circumstances outlined in the regulation.

With respect to the circumstances that require the aural tone, we do know that multichannel video distributors have used this to alert viewers to tune to either regular broadcast television or radio. However, this requirement may be of little use in the current EAS activation regime since broadcasters and cable operators have an option to relay or not relay EAS state and local alerts. Also, current regulations permit the postponement of relaying un-expired alerts until a so-called natural pause in the programming. Quite simply, in the EAS regime, an aural tone alerting a person who is blind to use the radio for accessible information may yield no information at all. Our experience in the non EAS regime, weather emergencies being a good example, indicate that the alternate source may be carrying contradictory information or time delayed information

which makes it impossible for a person who is blind or vision impaired to acquire enough information to respond safely in the emergency. Examples from the 9/11 catastrophe also demonstrate that persons with disabilities may be quickly separated from accessible forms of information such as the radio or telephone.

It is profoundly disturbing that the present EAS system asks people who are blind or visually impaired to rely on alternate sources for accessible information when it is so clear that these sources may be unavailable or, given the fragmentary nature of state and local EAS planning, may not be capable of providing reliable information.

We call on the Commission to enforce this regulation within the current regime and to establish it as an enforceable standard in any expanded EAS regime. In addition, modifications to the EAS regime should include requirements for contiguous broadcast of defined emergency information. Then the aural tone would indicate that the same information is available on an alternate source.

WHAT KIND OF INFORMATION SHOULD BE VIDEO DESCRIBED?

The EAS has a primary role as a national public warning system. The EAS has also been used as an overall alert and public warning system at the state and local level. The Commission recently issued a reminder to video programming distributors regarding access requirements for emergency information. This reminder outlined categories of information which must be accessible. This information is defined as “any information that is intended to further the protection of life, health, safety, or property, including information relating to hazardous weather situations, dangerous community situations such as discharge of toxic gases or civil disorders, evacuation orders, school closings, or relief assistance. These categories can serve as a starting place.

The American Foundation for the Blind appreciates the opportunity to provide these comments. We believe that one of the most powerful summary statements for change, one that amplifies the needs which we cite, is provided by some of the major findings of the Partnership for Public Warning published in May of 2003 regarding the current national public warning system:

- Existing systems are fragmented, lack interoperability, provide inconsistent messages and fail to take advantage of new technologies.
- Warnings do not reach many people at risk and often reach people not at risk.
- Warning is not a technology problem. Solution requires standards, policies and procedures – and an educated public.

Respectfully Submitted



Alan M. Dinsmore
Acting Director
Governmental Relations Department

American Foundation for the Blind
202-408-8171
adinsmore@afb.net